

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JAMES E. HANCOCK,

Petitioner,

-vs-

Case No. 3-:05-CV-310

TIMOTHY BRUNSMAN, Warden,

District Judge Thomas M. Rose

Respondent.

Chief Magistrate Judge Michael R. Merz

**ENTRY AND ORDER OVERRULING JAMES E. HANCOCK'S
OBJECTIONS (Doc. #17) TO CHIEF MAGISTRATE JUDGE MICHAEL R.
MERZ'S REPORT AND RECOMMENDATIONS (Doc. #16); ADOPTING
CHIEF MAGISTRATE JUDGE MERZ'S REPORT AND
RECOMMENDATIONS IN ITS ENTIRETY AND TERMINATING THIS
CASE**

This matter is before the Court pursuant to Petitioner James E. Hancock's ("Hancock's") Objections (doc. #17) to the Report and Recommendations of Chief Magistrate Judge Michael R. Merz (doc. #16)¹. The Report and Recommendations was filed on May 30, 2006, and Hancock's Objections thereto were filed on June 9, 2006. The Report and Recommendations addresses Hancock's Petition for a Writ of Habeas Corpus.

The Warden did not file objections to the Report and Recommendations and did not file a response to Hancock's Objections. Hancock's Objections are, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court

¹The Chief Magistrate Judge also granted Hancock's Motion To Dismiss his second ground for relief in the same document as the Report and Recommendations. The granting of Hancock's Motion To Dismiss his second ground for relief is not the subject of this Entry and Order.

finds that Hancock's objections to the Chief Magistrate Judge's Report and Recommendations are not well-taken, and they are hereby OVERRULED. The Chief Magistrate Judge's Report and Recommendations is adopted in its entirety.

Therefore, Hancock's Petition for a Writ of Habeas Corpus is dismissed with prejudice. Further, Hancock is denied a certificate of appealability and leave to appeal *in forma pauperis*. The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

DONE and **ORDERED** in Dayton, Ohio, this Twenty-Eighth day of March, 2007.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record

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